

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**DICKSON J. NYESUAH
A.K.A. NYESUAH DICKSON,**

Plaintiff,

-against-

**THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, NEW YORK
CITY POLICE DETECTIVE JAMES RIZZI,
COUNTY OF RICHMOND DISTRICT ATTORNEY'S
OFFICE, WILLIAM L. MURPHY District Attorney,
Richmond County and COUNTY OF RICHMOND
ASSISTANT DISTRICT ATTORNEY ALEXIS
BARREVECCHIA,**

Defendants.

**STIPULATION AND
ORDER OF SETTLEMENT
AND DISCONTINUANCE**

CV 02-2758 (ARR)(RML)

FILED
IN OFFICE OF
U.S. DISTRICT COURT
EDNY.
★ SEP 16 2003 ★
BROOKLYN OFFICE

WHEREAS, plaintiff commenced this action by filing a complaint on or about May 7, 2002, alleging that defendants City of New York, the New York City Police Department, New York City Police Detective James Rizzi, the Office of the District Attorney for Richmond County, Richmond County District Attorney William L. Murphy, and Assistant District Attorney Alexis Barrevecchia, violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff the sum of ***Ten Thousand Dollars (\$10,000)*** in full satisfaction of all claims, including claims for costs, fees and expenses. In consideration for the payment of this sum, plaintiff agrees to dismissal of all claims against all municipal and individual defendants, and to release all defendants, and any present or former employees or agents of the City of New York, the New York City Police Department, and the Office of the District Attorney, Richmond County, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses or fees in excess of the amount specified in paragraph "2" above.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above, and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the Office of the District Attorney of Richmond County, or the New York City Police Department.

6. This Stipulation and Order, comprising three typewritten pages, contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and

Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto or to vary the terms and conditions contained herein.

Dated: New York, New York

July _____, 2003

September 2, 2003

STEPHEN C. JACKSON, Esq.,
Attorney for Plaintiff
350 Fifth Avenue, Suite 2310
New York, NY 10118
(212) 643-2394

By: 

Stephen C. Jackson (SJ-)

MICHAEL A. CARDOZO

Corporation Counsel of the City of New York
Attorney for Defendants City of New York,
New York City Police Department, Office of
the District Attorney of Richmond County,
District Attorney William L. Murphy, and
Assistant District Attorney Alexis Barvecchia,
100 Church Street, Room 3-196
New York, N.Y. 10007
(212) 788-0861

By: 

Zachary A. Cunha (ZC-5946)
Assistant Corporation Counsel
Special Federal Litigation Division

SO ORDERED:


Honorable Allyne R. Ross
United States District Judge

9/3/03